

1979 WL 42821 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1979

*1 Mr. J. W. Lawrence
Assistant Director
South Carolina Department of Parks, Recreation & Tourism
Box 113, Edgar A. Brown Building
Columbia, South Carolina 29201

Dear Mr. Lawrence:

You have asked whether PRT is authorized to use funds from the South Carolina Recreation Land Trust Fund for the purpose of building a dam in the Oolenoy Project, which is an addition to Table Rock State Park.

[Section 51-11-10, of the Code of Laws of South Carolina](#), 1976, creates the Recreation Land Trust Fund and sets forth the purposes for which such funds may be expended. In pertinent part, that section states:

The trust fund shall be under the control of and administered by the State Parks, Recreation and Tourism Commission for the purposes of acquiring recreational lands, the development of utilities and roads on lands owned or controlled by the Commission, and for such related professional and technical services, legal fees, court costs or such other costs as may be involved in the acquisition and development of such lands. (Emphasis added)

You have indicated that, while PRT has previously used this trust fund only for acquisitions, PRT has experienced a cost overrun of approximately \$50,000.00 on the Oolenoy Project due to the need to build a dam which was an addition to the original plan.

Since the quoted statute authorizes the use of the trust fund for both acquisition and development costs, and since the construction of the dam is obviously a development cost, such an expenditure is authorized from the Recreation Land Trust Fund. Of course, such an expenditure would be subject to the approval of the State Budget and Control Board as set forth in [Section 51-11-50, of the Code](#).

If you have any questions, please do not hesitate to contact me.

With kind regards, I am
Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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